



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/243,568 02/03/99 SCHÖNROCK

U BEIERSDORF-5

EXAMINER

HM22/0322

CARMELLA A. O'GORMAN
NORRIS, MCLAUGHLIN & MARCUS
660 WHITE PLAINS ROAD
4TH FLOOR
TARRYTOWN NY 10531-5144

MURRAY, J.

ART UNIT

PAPER NUMBER

1626
DATE MAILED:

03/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/243,568

Applicant(s)

Schonrock et al

Examiner

Joseph Murray

Group Art Unit

1613



☒ Responsive to communication(s) filed on Jan 13, 1900

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 22-33 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 22-33 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 12

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1613

Claims 22-33 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al, JP 04099730, Inoue et al, JP 04099771, and Shtikhande, et al, J. Of Food Sci.

The instant application claims a method of preventing the oxidation of cosmetic or dermatologic compositions comprising using an active ingredient consisting of ascorbic acid and an ascorbyl compound, in specified amounts, and an active ingredient selected from the group consisting of flavones, flavanones, and flavanoids.

Both of the Inoue, et al references teach the use of ascorbic acid, and flavanoids for the prevention/inhibition of browning in pharmaceuticals, cosmetics, and foods, see abstract. In addition the Shrikhande et al reference teaches that flavanols have strong antioxidant properties, and are used in foods as preservatives and antioxidants. However, the references do not specifically disclose the use of these compounds to prevent oxidation in cosmetic or dermatologic compositions. However, it is well known to one of ordinary skill in the art that the browning of an organic compound or compositions is equated to its oxidation. Thus, given the references one

Art Unit: 1613

would have been motivated to use the flavanoid class of compounds in cosmetic and/or dermatologic compositions to prevent the oxidation of the composition and/or ascorbic acid and ascorbyl compounds. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the flavanoid class of compounds in cosmetic and/or dermatologic compositions to prevent the oxidation of the composition and/or ascorbic acid and ascorbyl compounds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Joseph Murray whose telephone number is (703) 308-4540. The examiner can normally be reached from 7:30 to 4:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Joseph McKane, can be reached on (703) 308-4537. The fax phone number for this group is (703) 308-4556.



Joseph McKane
Supervising Patent Examiner
Art Unit 1626

Joseph Murray
March 17, 2000